

OLL 84-0432
2 February 1984

MEMORANDUM FOR: C/ILD/OGC

FROM:

Legislation Division
Office of Legislative Liaison

SUBJECT: H.R. 4651 - Recent Legislation Affecting
Interception of Wire and Oral Communications

REFERENCE: Memorandum to Multiple Addressees from
dated 31 January 1981;
Same Subject

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1. Attached for your review and comment is H.R. 4651, a bill that would eliminate the one-party-consent exception to the prohibition against the interception, not under color of law, of wire and oral communications. Representative Levine (D. Cal.) introduced this bill and a copy of his introductory remarks are attached.

2. Although Representative Levine intends only to require the prior consent of all parties to a conversation to permit the recording of that conversation, I question whether his amendment might not prohibit all recording of oral or wire communications, not under color of law, even with the consent of all relevant parties. I would appreciate your thoughts on this bizarre possibility.

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Attachments

DISTRIBUTION:

Original - Addressee
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1 - LEG File: Telecommunications

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(2 February 1984)

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98TH CONGRESS
2D SESSION

H. R. 4651

To amend section 2511 of title 18 of the United States Code to eliminate the one-party-consent exception to the prohibition against certain interceptions, not under color of law, of wire and oral communications.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1984

Mr. LEVINE of California (for himself, Mr. BERMAN, and Mr. SMITH of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 2511 of title 18 of the United States Code to eliminate the one-party-consent exception to the prohibition against certain interceptions, not under color of law, of wire and oral communications.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 2511 of title 18 of the United States Code is
- 4 amended by striking out subsection 2(d).

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January 25, 1984

CONGRESSIONAL RECORD — HOUSE

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proximately \$800 million in Federal, State, and local taxes.

As Federal housing assistance continues to dwindle, State and local governments are faced with greater responsibility in meeting housing needs. Mortgage bonds have proven highly successful in responding to that challenge and are one of the only home financing tools available at the State and local level. My bill would assure that this success story can continue for at least the next 5 years.

A NEED FOR DISABILITY REFORM LEGISLATION

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I was also shocked, as was the gentleman from Texas, to learn that the administration today has announced that it does not intend to support any disability reform legislation this year.

I think that there is no more pressing concern for millions of Americans and returning some semblance of humanity and decency to our disability program. All of us in this body have heard from our constituents as to the terrible cases of injustice that have taken place in the past few years.

The Ways and Means Committee reported out a substantial piece of legislation on a bipartisan basis to reform that program. If we fail to act now, despite what the administration has said, we will be doing an injustice not only to our constituents, but to a program that millions of Americans have come to rely on.

I hope that the chairman of the Ways and Means Committee will bring that legislation to the floor as quickly as possible. I hope we can keep a strong bipartisan commitment to bringing it about, and I hope we can get the other body to act in its turn.

□ 1530

INTRODUCTION OF LEGISLATION REGARDING THE INTERCEPTION OF TELEPHONE CONVERSATIONS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I am joined by my colleagues Howard Berman and Larry Smith in introducing legislation which would make the tape recording of conversations without the consent of all parties a Federal crime.

Current Federal law regards the unauthorized interception of wire or oral conversations as a felony in most cases, punishable by a fine of \$10,000 and/or 5 years in prison. However, an exception to that law states that it is not considered a felony if one party to the conversation is aware that it is being taped.

The bill we are introducing would strike the one-party-consent language from current law. The elimination of this provision would mean that all parties to a conversation being taped must have knowledge that their discussion is being recorded, or face possible criminal prosecution. Exceptions for law enforcement officials, however, would remain in effect.

Although this legislation was initially prompted as a result of the actions of Charles Wick, who secretly tape recorded over 100 telephone conversations, its results will go a long way in protecting against similar abuses of the public trust in the future.

We encourage our colleagues to join us in this effort.

HELP SAVE TAX-EXEMPT MORTGAGE REVENUE BONDS

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute.)

Mr. LEHMAN of California. Mr. Speaker, the Federal Government's tax-exempt mortgage revenue bond program was allowed to expire on December 31, 1983.

This program has successfully assisted thousands of low- and moderate-income families in the purchase of their first home. The mortgage revenue bond program also works to stimulate the homebuilding industry and to provide jobs for thousands of construction workers.

In my home State of California, the \$1.45 billion worth of mortgage revenue bonds that were issued in 1983 accounted for 43,000 jobs and \$4.4 billion worth of economic activity. I am sure that these bonds provide similar results in every State.

It is because of the proven effectiveness of this program that I am introducing legislation today to extend the mortgage revenue bond program until December 31, 1988.

Without an extension of this program thousands of potential home buyers will be priced out of the housing market. Scores of jobs in construction and related industries will be lost. The total economic effects of the loss of this program would be enormous.

I urge my colleagues to support efforts to reauthorize this important program as soon as possible.

IN BEHALF OF WEATHERIZATION AND EMPLOYMENT ACT

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I would like to take this time to voice my strong support for H.R. 2615, the Weatherization and Employment Act, which passed the House yesterday.

Like many of my colleagues, I have recently finished visiting various towns and communities in the District. One Federal program which received

widespread support was the low income weatherization program. Garrett and Allegany County, which are on the western end of the Sixth District have significant pockets of citizens living in inadequately heated housing. Winters such as the one we are now experiencing can be fatal to many of these people due to the lack of heat. However, thanks to the low income weatherization program, we have made modest gains in protecting those on low and fixed incomes from the extremes of the weather. I know that many of my colleagues may be disappointed that a higher funding level was not approved. However, I believe that the funding level incorporated into the bill which passed still represents a continued commitment to weatherizing our Nations poorly insulated housing stock.

ELECTION OF CHAIRMAN OF COMMITTEE ON FOREIGN AFFAIRS

Mr. LONG of Louisiana. Mr. Speaker, I offer a privileged resolution (H. Res. 396) and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 396

Resolved, That Dante B. Fascell, Florida, be, and he is hereby, elected chairman of the Committee on Foreign Affairs of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 203, TO ESTABLISH STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-591) on the resolution (H. Res. 399) providing for the consideration of the bill (H.J. Res. 203) to establish State commissions on teacher excellence, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2465, EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AND FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 AUTHORIZATIONS, 1984 AND 1985

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-590) on the